

Minutes of the Regular Council Meeting - October 10, 1995

Present:

Chairman

Mayor John W. Rainforth Deputy Mayor Michael J. Munday Councillor John P. Prall Councillor
Michael E. Trinacty Councillor Gary W. Whittier Councillor Ronald G. Reeves Judith Mitchell, Town
Clerk Connie Coles, Recording Secretary

Absent:

Councillor Bruce H. Morse

In Attendance:

Ms. Sara White, Berwick Register Mr. Robert Stewart, Solicitor
Mr. Dwight Johnson, school Board Mr. Murray Saunders
Mr. Michael MacIntyre
Mrs. Cathy Morse
Mr. Rene Penner
Mr. Keith Rose
Dr. Gillian Truman
Benjamin Rose
David Truman

Representative

1.

The Chairman called the meeting to order at 7: 04 p. m .

2.

APPROVAL OF PREVIOUS MINUTES

(a) Hearing of no errors or omissions, the Chairman approved the minutes of the Regular Council meeting of September 12, 1995 as circulated.

(b) Copies of the following minutes were circulated for the information of Council:

(i) (11) (ill) (iv)

Social Services Police Commission Planning Advisory Electric Commission

September 26, 1995 September 27, 1995 October 3, 1995 October 5, 1995

3.

BUSINESS ARISING FROM PREVIOUS MINUTES

(a) KMRAC Meeting

The Chairman updated Council on a recent meeting with other Municipal Units in Kings County, of the Kings Municipal Reform Advisory Committee. There was agreement to proceed very cautiously toward a self-funded study to analyze three different local government structures in depth, for future direction. Terms of Reference for such a study will be drawn up soon.

4.

COMMITTEE

, REPORTS

(a) Social Services

In the absence of Councillor Morse / Councillor Reeves reported on a recent meeting held with Mr. Wayne Hyson / Director of Social Services / Municipality of the County of Kings / outlining the recently proposed changes to the Social Services Policy.

It was moved by Councillor Reeves and seconded by Deputy Mayor Munday to adopt the proposed policy for Students on Assistance / with age limits of 16-19 to seek employment, as noted.

Motion Carried

Mayor Rainforth noted that the above amendment is simply a housekeeping item, putting in place a policy for procedures that are already in effect.

It was further moved by Councillor Reeves and seconded by Councillor Trinacty to adopt four recommendations put forth by Mr. Wayne Hyson, as follows:

1)

2) 3)

4)

Eliminate the clothing allowance for the first two months of clients' eligibility .

Implement a \$2.00 co-pay on all prescription drugs.

Limit glasses to one pair per client every two years.

Denial of requests to move to apartments and houses from room/board situations if present accommodations are suitable.

Motion Carried

It is understood that these changes will allow for flexibility where required. Councillor Reeves also noted that "Work for Welfare" programs had been discussed. However, Federal changes may soon permit changes in Provincial delivery of social Services in this direction.

(b) Planning Advisory Committee

Deputy Mayor Munday reported that PAC had one meeting since Council last met, addressing the following matters:

1)

Moody Bros Parking Lot - A letter has been sent to Mr. Moody indicating that the revised plans for the Parking Lot are acceptable as presented, allowing for three entrances/exits on Commercial Street and one on Cottage Street; and requesting that the parking Lot be completed by November 15/ 1995, with proper barriers erected.

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2)

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_5)

_Mainstreet Video - Following a request from Mr. Preston Ilsley to expand the current convenience store, PAC has requested 'to meet with Mr. Ilsley to further discuss the expansion.

Dr. MacEachern - A medical Clinic has been operating at 236 Main street by Dr. MacEachern. He has been directed to contact the Development Officer for the purposes of preparing a Development Agreement to ensure all requirements are met and that parking concerns are addressed immediately.

It was moved by Deputy Mayor Munday and seconded by Councillor Prall to create a Development Agreement to allow for the continued use of the Medical Clinic at 236 Main street, ensuring that provision is made for adequate on-site parking.

Motion Carried

Mr. Greg Ward - Two requests were received from Mr. Ward for rezoning, one being on East Main street, of approximately 550' road frontage, divided into five lots, with depth of roughly 150-165 feet, to be rezoned from R1 to R2, for the purpose of constructing duplexes or semi-detached dwellings. Councillor Reeves questioned whether the Town should look at mixing duplexes throughout developed areas or whether they should be kept in a specific area. Mayor Rainforth felt that East Main street, when taken in its entirety, is not overly developed with duplexes a few more would not make this type of development too numerous. However, it was agreed that acceptance of Mr. Ward's rezoning request does not indicate acceptance of his concept of semi-detached dwellings for sale to individual owners, which is not permissible under the existing Land Use By- Law.

It was moved by Deputy Mayor Munday and seconded by Councillor Trinacty to accept Mr. Ward's request to rezone his R1 property fronting on East Main street for approximately 550' to R2.

Motion Carried

The second request was to rezone a portion of Mr. Ward's property on Willow Avenue from A1 to R1i however, the request has been tabled until more information can be obtained regarding lot sizes for sewer system installation.

Mr. Michael MacArthur - Request was received from Mr. MacArthur to rezone a lot situated at 105 Union street from R 1 to R3. The Planning Advisory Committee recommended that council not proceed

with the request, due to existing density level of the street.

6)

A Public Hearing was held for the purposes of receiving written and oral submissions regarding two rezoning requests.

(i)

Mr. Saunders has made a request to rezone a 3.5 acre parcel of land spanning from Commercial street to Brown street, and situated behind 147 Commercial street, from R1 to R2 for the purpose of erecting Two- Family Residential Dwellings. Concerns were raised by Mr. William Gillam regarding drainage and by Mr. Paul Huntley regarding additional traffic flow on commercial Street.

Mr. Saunders assured the Town that he had hired Hiltz & Seamone as engineers to address drainage problems and had already dug a 3' deep drainage ditch on the property.

The following motion was moved by Deputy Mayor Munday and seconded by Councillor Whittier, and approved.

BE IT RESOLVED by the Council of the Town of Berwick that the following amendment to the Land Use By-Law of the Town of Berwick approved on the 14th day of February, 1995 is hereby enacted.

ALL THAT certain lot of land being situated between Brown Street and Commercial street in a parcel of approximately 3.5 acres, directly behind the lot known as 147 Commercial street; and being the land of saunders Investment Limited (and formerly, the land of L. M. Chute Limited). Said Land to be rezoned from Residential Single Family (R 1) to Residential Two Family (R2).

(ii)

The second request was received from Mr. Lewis Chute to rezone two parcels of land situated at 162 and 164 Brown Street from R1 to R2. This request was discussed at length, noting that Mr. William Gillam is opposed to the rezoning of said property, because of drainage and concern about duplexes next door lowering his property value; feels lots should remain R1.

The following motion was moved by Deputy Mayor Munday and seconded by Councillor Trinacty and approved, with one Nay Vote from Councillor Prall being recorded.

BE IT RESOLVED by the Council of the Town of Berwick that the following amendment to the Land Use By-Law of the Town of Berwick approved on the 14th day of February, 1995 is hereby enacted.

ALL THAT certain lot of land having the civic address of 164 Brown Street (Lot 1) and 162 Brown Street (Lot 2) and being the land of L.M. chute Limited. Said land to be re-zoned from Residential Single Family (R1) to Residential Two Family (R2).

- (ill) The third request was received from Mr. Michael MacIntyre, regarding an amendment to the Land Use By- Law for the Height of Accessory Buildings from 15' to 20'.

The following motion was moved by Deputy Mayor Muna.ay and seconded by Councillor Whittier, and approved.

BE IT RESOLVED by the Council of the Town of Berwick that the following amendment to the Land Use By- Law of the Town of Berwick approved on the 14th day of February, 1995 is hereby enacted.

Land Use By-Law, Part 6, Section (g), page 16, changed to read:

"except for non-residential accessory buildings in an A-1 Agricultural Zone or accessory buildings in an Industrial Zone, exceed twenty (20) feet in height".

(c) School Board Report

The Chairman welcomed Mr. Dwight Johnson and asked for an update on Kings County District School Board. Mr. Johnson noted the following

points:

- 1)
- 2)
- 4)

The school buses have been sold and privatization has begun. The \$1.1 million realized has been used to replace the roof at West Kings, replace several oil tanks, clear the deficit of \$450,000, etc. All expenditures have been approved by the Minister of Education.

A Committee has been formed to work with newly appointed coordinator to set up how the amalgamation will work (coordinator to be named within next month).

- 3)

The walkway on Foster Street is now closed until a proper walkway, fencing, gate etc. can be put in place to protect property owners' yards. For now, school kids will have to use Cottage Street.

Time frame for Amalgamation is March 31, 1996. Teacher Union Contracts are different from County to County, which may pose problems. The size of the new school Board is unknown at this time; the current 25-30 members may be reduced to 10 or so.

(d) Solid waste Management

A Public Meeting is to be organized by the Municipality of the County of Kings to include all other municipal units in Kings County, which will be held later in the month. Nominees from the public to sit on a regional

board will be accepted at the Public Meeting. All members of the public are encouraged to attend.

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(e) Fire Department

Concern was raised over the Department of Labour's proposed changes to the Fire Prevention Act, particularly, the downloading of expenses from Provincial Government to local level, i. e . delegating inS-pecting responsibilities to a municipal representative. There is also talk of a "First Response" - the Fire Department will be the first on the scene even before ambulances arrive. This would require more trainees than the three medically trained firemen already available. Fire Departments are not allowed to transport patients, but can prepare patients at accident site. old ambulances have been taken out of service, leaving only two available from Kentville and Wolfville. The big question is how many calls a volunteer fire department can be expected to take? (Councillor Prall quoted a case of 75 calls going to over 250.) No funds are forthcoming to pay for additional supplies, etc. Is this all to be done by volunteers? What about questions of responsibility and liability? Will medical care given be adequate? To date, discussion paper does not get into the finer details. It is expected that the matter will be discussed at length at the upcoming UNSM Conference.

(f) Recreation Committee

Councillor Trinacty reported that there was no regular Recreation Meeting this month, as the Committee attended a Regional meeting at the Wandlyn Inn to hear a proposal put forward by Sport Nova Scotia. It was another example of the Provincial Department proceeding without consulting with those who deliver recreation services in the Province, as well as ignoring their own Departmental Audit and study results. The new proposal emphasizes competitive and elite sports at the expense of recreation and leisure. The Province has indicated drastic changes are to be made, without a real appreciation of the purpose and goals of the existing delivery system, due to funding cuts and a short timeline to comply. The Minister is taking the new proposal under advisement and has promised consultation.

(g) Streets

Councillor Whittier reported that all is going well. The Used Truck recently purchased has been painted and is going to Dartmouth to have a dump body installed. Storm ditch behind Moody's is now complete. Still working on removal of diseased trees. Looking for regulations regarding disposal of infected wood from the Department of Natural Resources. Aerator is now in but waiting on another part before installation is complete. Inventory of aerator parts not finished yet. Cleanup week underway for two consecutive weeks; ad to be in paper next two weeks.

(h) Finance

Councillor Reeves noted there was nothing to report from Finance this month but a special Council Meeting will be required upon receipt of debentures that are to be finalized prior to November 3, 1995.

(i)

Kings Transit

councillor Reeves attended meetings of the Kings Transit Authority, which he found to be very informative. Projections are to be received for next report. Annual meeting will be held Thursday, October 19, 1995; 'all are welcome to attend.

(j)

Kings Regional Housing Authority

There will be a joint Resolution of four boards coming back to November Council for approval.

(k) Mayors Report

Mayor Rainforth reported that the Berwick Electric Commission is currently amending Regulations, and has decided to go ahead with a Rate study. Mr.

George Baker has been hired to proceed. The Rate study is mainly due to industrial changes and the increased efficiency of two large customers, as well as General and Domestic customers purchasing power to 12-18% below NSPI's rates.

The Chairman reported on the Joint Chiefs Regional Meeting held in september, and commented on the readiness of all commissions to enter into an arrangement for policing together. The Department of Justice attended the meeting to set out procedures to follow for unification. It was agreed at that time that the Chiefs would go back to their respective Commissions for support to allow the Chiefs to proceed with a study to determine possible funding arrangements. The Chairman noted that the Police Departments involved are not looking at unification to put the RCMP out of business, but rather, to keep ourselves "in business". Also, that each of the Municipal Police Forces involved have Audit results from the Province which must be complied with. When talks evolve to financial issues, Council will become involved at that time.

The following evening at the Police Commission meeting, it was agreed to support the proposal and set up an Implementation Team. Ideally, April 1 would be the best time to effect a change, however, much depends on how quickly other municipalities can act. The Chairman did note that each Department can be responsible for certain aspects (for example, Berwick could house the Identification Section, Wolfville the Administrative Section, etc.) Individuality of the units will be maintained to a certain degree.

A meeting was held with the Mayors/Wardens, at which time it was agreed that there was a need to meet more regularly to keep up with the many changes currently happening.

5.

skateboarders Petition

Mr. Keith Rose requested that Benjamin Rose and David Truman, two students from Berwick and District School, be permitted to give a presentation to Council.

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Ben Rose read a letter requesting that a Skateboarding Park be installed in Town for the following reasons:

- (a) a park would give skateboarders a place to go instead of being on the sidewalks causing problems;
- (b) it would be safer for the skateboarders as it would keep them off the streets;
- (c) it would be safer for pedestrians than being hit by a flying skateboard or being bumped into; and
- (d) it would be easier for policemen to do their jobs because the skateboarders would be in one spot.

Ben Rose also presented a petition with 107 names supporting the idea. He suggested a good place to skateboard might be by the arena and ball fields, which should be a paved area with ramps. Councillor Trinacty questioned whether the skateboarders would wear safety gear if a park was established, but Ben was not sure if they would or not. It was noted that Kentville has banned skateboarding on the sidewalks but is currently in the process of building a park, as is Wolfville.

The matter was passed to the Recreation Chairman for follow up.

Correspondence

a.

A letter from the Municipality of the County of Cumberland asking for Council's support of their resolution, Action Against Toll Highway #52A, at the UNSM Conference. For the information of Council.

b.

A memorandum received from the office of the Fire Marshall, Bob Cormier, seeking input into the rewrite of the Fire Prevention Act, and passing more responsibility onto Municipal units. Request directed to the Fire chief. For the information of Council.

c.

A memorandum from Rural Cape Breton's District Planning commission, soliciting support from other Municipal Units to oppose the suggested proposals of the Office of the Fire Marshall which will "impact directly on Municipalities", and then requesting that councils make their concerns known at the upcoming UNSM conference. For the information of Council.

d.

A memorandum from Mr. Ken Simpson, UNSM, with a Notice of Motion, regarding dues for 1996. For the information of Council.

The balance of the correspondence was of a routine nature or passed to committees for action.

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Bills and Accounts

It was moved by Councillor Reeves and seconded by Deputy Mayor Munday that the attached list of bills and accounts in the amount of \$179,741.68 be approved for payment.

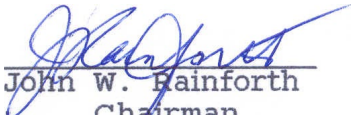
Motion Carried

8.

There was a five minute break at 9: 20 prior to going to Committee-of-the-Whole at 9:25 p.m.

10.

Regular Council resumed at 9: 50. There being no further business, Council was adjourned at 9:51 p.m.



John W. Bainforth
Chairman

Town Clerk & Treasurer

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